



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/045,578

01/11/2002

Junichi Otsuka

81747.0212

8517

26021

7590

06/08/2006

HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

EXAMINER

CAO, DIEM K

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20060602

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

An Office action was mailed on 12/9/2005 and was returned to the Office as undelivered. Examiner contacted the Applicant on June 1st 2006 and was informed the Applicant never received the Office action, the address is correct, and Applicant never intend to abandon the case.

The Office action is send again with the Shortened Statutory Period reset.

Diem Cao
Art Unit 2194


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Office Action Summary	Application No.		Applicant(s)	
	10/045,578		OTSUKA ET AL.	
	Examiner		Art Unit	
	Diem K. Cao		2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

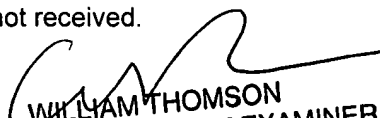
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending. Applicant has amended claims 1, 8 and 16.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/8/2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epson et al. (OLE for Retail POS – Application Programmer's Guide) in view of Spinks et al (U.S. 2001/0029534).

5. As to claim 1, Epson teaches a peripheral device connected to a host computer (see diagram on page 11), the host computer running an operating system (Operating system; page

Art Unit: 2194

11) and an application capable of controlling the peripheral device (Application; see diagram on page 11), the host computer including a device control system for controlling the peripheral device through the operating system (OPOS Control; pages 11-12), the device control system including a first object (Control object; pages 11-12) providing a device class interface to the application (A Control Object exposes a set of properties, methods and events to an application for its device class; page 12 and see diagram on page 11) and a second object providing an interface for the peripheral device to the first object (A Service object ... with multiple device classes; page 12 and see the diagram on page 11), the second object recording status change data indicating a change in a device status (StatusUpdateEvent:Report a change in the device's status, the Service Object enqueues events as they occur; page 22 and When the application is ready ... a DataEvent; page 24).

6. However, Epson does not explicitly teach a status change data recording unit in the second object for continuously recording status change data indicating each sequential change in a device status. Epson teaches the second object capable of receiving and recording status change data of a device (StatusUpdateEvent:Report a change in the device's status, the Service Object enqueues events as they occur; page 22 and When the application is ready ... a DataEvent; page 24). Spinks teaches a system for continuously tracked the device's status, and detecting the change in the connection to the devices (sections 9-12, 18, 62-64, 68, 70, 80-83).

7. It would have been obvious to one of ordinary skill in the art that there would be functions (unit) to carry out the receiving and recording functionality of the object in the system

Art Unit: 2194

of Epson, and would be motivated to combine the teaching of Epson and Spinks because it would provide a information collection mechanism that can maintain an accurate inventory of all hardware devices and their status.

8. As to claim 7, Epson teaches the device control system is OLE for Retail POS (The OLE for Retail POS; page 11), the first object is a control object (Control Object or CO; pages 11-12), and the second object is a service object (Service Object or SO; pages 11-12).

9. As to claim 8, it is the same as of claim 1 and is rejected under the same ground of rejection.

10. As to claim 14, see rejection of claim 7 above.

11. Claims 2-6, 9-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epson et al. (OLE for Retail POS – Application Programmer's Guide)) in view of Spinks et al (U.S. 2001/0029534) further in view of Gresham (U.S. 6,741,558 B1).

12. As to claim 2, Epson teaches a receiving unit for receiving status data indicating a device status from the peripheral device (StatusUpdataEvent:Report a change in the device's status, the Service Object enqueues events as they occur; page 22).

Art Unit: 2194

13. However, Epson does not teach a status change data detection unit for detecting status data that changed as status change data based on the status data received by the receiving unit and previously received status data. Gresham teaches unit for detecting status data that changed as status change data based on the status data received by the receiving unit and previously received status data (col. 7, lines 25-55).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Epson and Gresham because it provides a method to detect whether an event receive from the device is a status change event.

15. As to claim 3, Epson does not explicitly teach a recorded data editor for editing the status change data to status change recording data for recording to the status change recording unit. Gresham teaches a recorded data editor for editing the status change data to status change recording data for recording to the status change recording unit (col. 7, lines 31-36).

16. As to claim 4, Gresham teaches a recorded data evaluation unit for determining, based on predefined recording conditions, whether the status change data detected by the status change data detection unit is data to be recorded in the status change recording unit (col. 7, lines 36-44).

17. As to claim 5, Epson teaches the status change data includes error status and/or off-line status data (OPOS_S_ERROR; page 18 and page 27). Gresham teaches the recording conditions

Art Unit: 2194

include information indicating whether the error status and/or off-line status data is to be recorded (col. 7, lines 36-44).

18. As to claim 6, Gresham teaches a recorded data generating unit for converting the status change data detected by the status change data detection unit to a text message and adding time information to the text message to generate the status change recording data (col. 7, lines 33-36 and 48-60).

19. As to claims 9-13, see rejections of claims 2-6 above.

20. As to claim 15, see rejections of claims 8-14 above.

21. As to claim 16, see rejections of claims 1, 2, 4 and 6 above.

22. As to claim 17, see rejection of claim 5 above.

23. As to claim 18, see rejection of claim 7 above.

Response to Arguments

24. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Smith et al (U.S. 6,785,015) teaches system and method for monitoring a computer system process or peripheral.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 5:30AM - 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

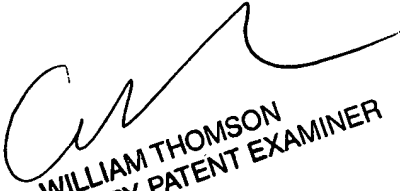
Any response to this action should be mailed to:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Application/Control Number: 10/045,578
Art Unit: 2194

Page 8

Diem Cao



WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER